



Linda S. Adams
Agency Secretary

California Regional Water Quality Control Board

Los Angeles Region

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September 3, 2009

Mr. Rudy Lee
Los Angeles County Department of Public Works
P.O. Box 1460
Alhambra, CA 91802-1460

WATER QUALITY CERTIFICATION FOR PROPOSED MAINTENANCE CLEARING OF ENGINEERED EARTH-BOTTOM FLOOD CONTROL CHANNELS PROJECT, VARIOUS WATERSHEDS WITHIN LOS ANGELES COUNTY (File No. 99-011 2009 RENEWAL)

Dear Mr. Lee:

The Los Angeles Regional Water Quality Control Board (Regional Board) staff has reviewed your request on behalf of Los Angeles County Department of Public Works (County) for a Clean Water Act Section 401 Water Quality Certification (Certification) for the above-referenced project.

The Regional Board first issued the County the subject Certification, File No. 99-011, on October 17, 2003. This Certification was amended in September 2006. The amended certification allowed for maintenance clearing activities in more than one hundred soft-bottom channel reaches within the County of Los Angeles. The Certification, which expired on March 15, 2007, was extended by this Regional Board by letter on September 10, 2007 until March 15, 2008, and extended by this Regional Board again on August 29, 2008 until January 31, 2009.

We received your March 14, 2007 permit application package with attachments requesting renewal and amendment of the Certification. The County has requested to renew and further amend the certification to include additional channel reaches and modify current Maintenance Plans. Your application was deemed complete on July 10, 2008.

A tentative certification was released for public comment on July 6, 2009. Written comments were accepted until 5:00 pm on August 5, 2009. This certification was reviewed and approved by the Regional Water Board, at the September 3, 2009 public hearing.

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California Environmental Protection Agency

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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

September 3, 2009

The Regional Board hereby issues an order certifying that any discharge from the referenced project, as described in Attachment A (Project Information) and complying with all the conditions in Attachment B (Conditions of Certification), will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification," which requires compliance with all conditions of this Water Quality Certification.

The County shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the County's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

I, Tracy J. Egoscue, Executive Officer, do hereby certify that the foregoing, including Attachments A and B, is a full, complete, and correct copy of a Certification adopted by the California Regional Water Quality Control Board, Los Angeles Region, on 3 September, 2009.

Tracy J. Egoscue
Executive Officer

Attachment A Project Information
Attachment B Conditions of Certification

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ATTACHMENT A

Project Information File No. 99-011 2009 Renewal

1. Applicant: Rudy Lee, Assistant Deputy Director
Flood Maintenance Division
County of Los Angeles, Department of Public Works
900 S. Fremont Avenue, Annex Building 2nd Floor
Alhambra, CA 91803
Phone: (626) 458-4145 Fax: (626) 458-4150
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2. Applicant's Agent: Jemellee Cruz
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900 S. Fremont Avenue, Annex Building 2nd Floor
Alhambra, CA 91803
Phone: (626) 458-4170 Fax: (626) 458-4150
Email: jcruz@dpw.lacounty.gov
3. Project Name: Maintenance Clearing of Engineered Earth-Bottom Flood Control Channels Project
4. Project Location: Los Angeles County
5. Type of Project: Annual Vegetation Maintenance Clearing
6. Project Description: **Background:**

Certification No. 99-011 was issued to the Los Angeles County Department of Public Works on October 17, 2003, and included 99 earth-bottom channel reaches within the County of Los Angeles for annual vegetation and debris clearing. The Certification also included provisions which allowed for additional channel reaches and changes to be included within the existing Maintenance Plans to the existing reaches, as they were approved.

This Certification renewal adds 10 new channel reaches, including two (2) channel reaches with 401 Certifications recently issued to a developer which are now being transferred to the County for future maintenance activities. This renewal also includes the deletion of several existing reaches that are no longer earth-bottom channels.

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The County proposes to clear vegetation and debris from 103 earth-bottom channel reaches within Los Angeles County. The County has provided an updated list of all reaches included under this Certification as of June 25, 2009 (see Attachment C). Channel clearing will not exceed "1997/1998 storm season clearing level" conditions established by the Regional Board, California Department of Fish and Game (CDFG), and U.S. Army Corps of Engineers prior to the 1997 El Niño storm season. This baseline level was utilized to identify the maximum vegetation removal authorized for each reach, which is included in the Maintenance Plan for Annual Clearing Activities, August 2005 (Maintenance Plan).

The County will comply with the specifications of their Mitigation Monitoring Program, and the Maintenance Plan prepared for this project as revised August 2005, or any subsequently approved plans that follow. Only revisions approved by the Regional Board and California Department of Fish and Game will be authorized for this project. Chemical spraying may occur only in those specific reaches outlined in the Maintenance Plan and may require separate permits.

Clearing will be either through the use of heavy equipment, including trucks, bulldozers, dump trucks, and front-end loaders, along with other specialized equipment, or in areas where there are sensitive species and native vegetation, clearing will take place by hand in order to selectively avoid protected resources. Equipment will access the channels by existing access roads.

FEMA Levee Certification:

Currently, the County is a participating community in the National Flood Insurance Program (NFIP). The Federal Emergency Management Agency (FEMA) administers the NFIP, identifies flood hazards, assesses flood risks, and provides appropriate flood hazard and risk information to communities. This information is provided through Flood Insurance Rate Maps (FIRMs). FEMA is currently updating these maps and modernizing FIRMs. This effort is called Flood Map Modernization or Map Mod.

FEMA has required all levee owners to certify their levees before mapping them in Map Mod. Property owners in the communities protected by these levees have a 1-percent-annual-chance (100-year flood) level of flood protection and will likely not be required to secure flood insurance by lenders.

The County is currently undertaking the effort to certify 65 miles of

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levees in the County. The County is the lead for Compton Creek (partially, with ACOE), San Gabriel River, Coyote Creek, Dominguez Channels, Santa Clara River, and Los Cerritos Channel.

The levee certification consists of three main technical components:

1. Hydrological and hydraulic (H&H) analysis;
2. Subsurface soil exploration and geotechnical/structural (design) analysis; and
3. Formal Operation and Maintenance (O & M) Plan and Report.

The completed Certification work is due to FEMA by October 16, 2009. Once the documentation is submitted, FEMA may accredit the levee systems, where appropriate, and present the updated, accurate flood hazard and risk information on the maps and related documents.

In order to obtain FEMA Certification for the levees, the County is required to demonstrate that maintenance of the channels will alleviate flood hazard conditions to the adjacent residents.

Activities to be included under the Certification renewal:

1) Maintenance of All Existing Invert Access Ramps

All existing channel invert access ramps will be part of the approved annual maintenance for all soft-bottom channel facilities, including new reaches that have been added to the certification. The invert access ramps, whether constructed with dirt, lined with concrete, or armored with riprap on the sides, are critical structures for access to soft-bottom channel reaches.

Maintenance activities shall include inspection, minor maintenance repairs, and storm damage repair and rehabilitation. Storm damage repair and rehabilitation includes restoring ramps, damaged or washed out during a storm, back to pre-storm conditions.

2) One-Time Mechanical Sediment & Vegetation Removal for 2 Hand Clearing Channel Reaches

The approved Maintenance Plan now includes the following two reaches for a one-time mechanical sediment and vegetation clearing, which will be performed outside of the nesting bird season:

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a) Reach 29 Las Virgenes Creek (PD T1684) MCI - The existing "Maintenance Plan" authorizes only hand clearing in this reach which typically involves cutting of vegetation above the water line or the root ball. A recent fire in 2006 burned the "open space" conservancy area adjacent to the channel reach. The fire also burned some of the vegetation within the reach. However, the reach has not been maintained for several years. Overgrown trees, cattails, and non-native vegetation dominate the channel reach and have impacted the hydraulic capacity of the channel. The reach currently has ponded water.

Due to years of accumulated sediment and excessive growth of root balls, the hydraulic capacity of the channel has diminished. In addition, additional sediment is expected from mudflows from adjacent burned areas during a storm. This channel reach requires sediment clearing using mechanical equipment that will sit on top of the access road and reach into the channel and scoop out vegetation and approximately 3-5 feet of accumulated sediment and root balls. This is necessary to remove ponded water and to allow storm flows to flow freely during future storms. Potential flooding during storms may cause damage and public health hazards to the adjacent homes and the downstream community. Approximately 462 tons of sediment and vegetation will be removed from this site. It will take approximately 3 - 5 days to complete the sediment removal within a 370-foot section of the channel.

b) Reach 33-Medea Creek (PD T1378 u.2)

This reach is located south of Laro Drive, northwest of Kanan Road in the City of Agoura Hills. The reach is within the Malibu Creek Watershed. The upstream limit of the reach is 731 feet upstream of Thousand Oaks Boulevard and the downstream limit is 215 feet downstream of Thousand Oaks Boulevard. This reach is approximately 946 feet in length. Specific actions to be taken in this reach shall be described in the Annual Workplan as described in condition 27.

3) Notching Drain Channel Outlets at a 45 Degree Angle from the Outlet to the Middle of the Channel

Notching and limited vegetation removal from drain channel outlets will be conducted on reaches where mechanical removal of sediment and

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vegetation is allowed under the existing Certification, and is consistent with the original channel designs. In stream reaches that are approved for mowing or hand removal of vegetation, work on installing notches at 45 degrees and clearing drain channel outlets shall be conducted by hand and shall be consistent with all terms of the original work plan and Certification. No mechanical excavation shall be allowed in stream reaches that are approved for mowing or hand removal of vegetation without prior written approval from the Executive Officer.

4) Reaches to be Removed from the Certification

Under this Certification, earth-bottom channel reaches 11, 23, 30, 31, 65, 68, 81, 83, 84, and 85 shall be removed from the Approved Maintenance Plan.

Reach 11 is a dry area which sits on top of a covered underground drain. All storm water from the upstream debris basin flows into the underground drain throughout the year and bypasses the top dirt area. Because the top area is dry and bare of vegetation throughout the year, vegetation maintenance is unnecessary. Reach 23 has a grouted rock rubble bottom rather than an earth bottom; Reach 30 has been quitclaimed to the City of Calabasas; Reach 31 is a concrete-lined channel and all other reaches were impacted by new developments.

Change in Project Scope of Work for Newly Added Reaches:

Ten new reaches will be included in this renewal.

1) Reach 101 - Violin Canyon (PD 2312)

This reach is located east of Interstate 5 and west of Emerald Lane in the community of Castaic in unincorporated Los Angeles County. The reach is within the Castaic Creek Watershed. The upstream limit of the reach is 2,637 feet upstream of Lake Hughes Road and the downstream limit of the reach is 820 feet upstream of Lake Hughes Road. This reach is approximately 1,817 feet in length.

2) Reach 102 - Violin Canyon (PD 2275)

This reach is located south of West Highland Court, east of adjacent open space, north of Oak Valley Road, and west of Sierra Oak Trail and Interstate 5 in the community of Castaic in unincorporated Los Angeles

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County. The reach is located within the Castaic Creek Watershed. The reach upstream limit is 1,072 feet upstream of the downstream face of Sierra Oak Trail and the downstream limit is 94 feet upstream of the downstream face of Sierra Oak Trail. This reach is approximately 978 feet in length.

3) Reach 103 - PD 2225 - Bouquet Canyon Channel

(File No. 04-162)

This channel reach was transferred from a private housing developer to the County for maintenance. The reach was previously approved for maintenance under File No. 04-162, and will now be included under this renewal.

4) Reach 104 - Castaic Creek (PD 2441 UNIT 2)

This reach is located in Castaic Creek between Hwy 126 and Hasley Canyon Road, and borders the length of Hancock Pkwy. (Parcel Map No. 17949) and the developer is Newhall Land and Farm.

The County will maintain this channel from 669' upstream of Murfield Lane Centerline to 478' downstream of Turnberry Lane Centerline.

To avoid impacts within the mitigation area and also provide flood control protection, the County will *only* perform hand clearing in two 20 by 20 foot areas, around the two existing outlets for a total of 800 square feet of impact. Clearing around the two outlets will allow for inspection of the drainage facilities and will ensure that no vegetation blocks the outlets during storms.

5) Reach 105 - San Francisquito Canyon Channel (PD 2456)

The original certification included maintenance of the San Francisquito Canyon channel from 417 feet upstream of Decoro Drive to 416 feet downstream of Decoro Drive. This channel reach is part of the Natural River Management Plan (NRMP) for the Santa Clara River and its tributaries. In order to comply with the NRMP requirements, The County will only maintain areas 50 feet up and downstream of Decoro Bridge.

In addition, the County will perform the following maintenance activities within the length of the channel as approved under the NRMP requirements: periodic removal of woody vegetation from rip-rap to protect its structural integrity; periodic clearing of storm drain outlets to ensure proper drainage; periodic removal of ponded water that cause odor problems; as-needed repairs of bridges; as-needed repairs of bank

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protection; and as-needed clearing of vegetation from water quality filters and treatment basins.

6) Reach 106 - Castaic Drain Outlet (RMD Channel)

This reach is located south of Ridge Route Road, west of Castaic Regional Sports Complex, north of Castaic Road and Tapia Canyon Road, east of Castaic Road and Interstate 5 in the community of Castaic in unincorporated Los Angeles County. The reach is located within the Santa Clara River Watershed. The reach upstream limit is at the toe of the grouted rip-rap apron and the downstream limit is 147 feet downstream of the grouted rip-rap apron. This reach is approximately 147 feet in length. The channel clearing will involve mechanized removal of vegetation along a 12 foot-wide access path aligned along the toe of the east bank, and installation and maintenance of crushed aggregate base on the access path.

7) Reach 107 - The Old Road Channel (RMD Channel)

This reach is located south of the intersection of Calgrove Boulevard and The Old Road, west of Interstate 5, east of The Old Road and Towsley Canyon Park in unincorporated Los Angeles County. The reach is located within the Santa Clara River Watershed. The reach upstream limit is 230 feet upstream of the driveway into 24136 The Old Road and the downstream limit is the upstream end of the concrete-lined channel. This reach is approximately 943 feet in length. Hand clearing of vegetation using manual and hand-operated tools will be performed at this reach.

8) Reach 108 – Pico Canyon Creek (PD 2528) (File 05-205)

This channel reach was transferred from a developer to the County for maintenance. The reach, previously approved for maintenance under File No. 05-205, will now be included under this renewal.

9) Reach 109 - Santa Clara River - S. Bank W. of McBean Pkwy (MTD1510):

This reach is in the Santa Clara River Watershed. This reach has an upstream limit of 371' U/S McBean Pkwy centerline (Latitude: 34.424217; Longitude: 118.563767); and a downstream limit of PD 1946 (Latitude: 34.424106, Longitude: 118.56255). The length is 371 linear feet.

10) Reach 110 - Hasley Canyon Channel (PD 2262)

This reach is in the Santa Clara River Watershed. This reach has an

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upstream limit of PD 2508 (Latitude: 34.451733, Longitude: 118.633603), and a downstream limit of Castaic Creek (Latitude 34.445553, Longitude 118.62425). The length is 3736 linear feet.

7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 31 (Permit No. 98-00123-AOA)
8. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement (Notification No. 5-076-99)
9. California Environmental Quality Act (CEQA) Compliance: The State Water Resources Control Board approved the project's Initial Study and Mitigated Negative Declaration (SCH No. 98072037) on October 27, 1999.
10. Receiving Waters*/ Designated Beneficial Uses:
 - Bell Creek (Reach 1; Hydrologic Unit No. 405.21) MUN, GWR, REC-1, REC-2, WARM, WILD
 - Dry Canyon Creek (Reach 2; Hydrologic Unit No. 405.21) MUN, GWR, REC-1, REC-2, WARM, WILD
 - * Receiving waters identified contain the reach(es) as described in the approved maintenance plan. The entire receiving water reach may not be authorized for clearing under this 401 Certification.
 - Browns Canyon Creek and tributaries to Browns Canyon Creek Reaches 3 (Santa Susana Creek M.C.I) and 4 (Browns Creek); Hydrologic Unit No. 405.21 MUN, GWR, REC-1, REC-2, WARM, WILD
 - Caballero Creek (Reaches 5 (Caballero Creek M.C.I. - West Fork) and 6 (Caballero Creek M.C.I. - East Fork); Hydrologic Unit No. 405.21) MUN, GWR, REC-1, REC-2, WARM, WILD
 - Bull Creek (Reach 7; Hydrologic Unit No. 405.21) MUN, GWR, REC-1, REC-2, WARM, WILD
 - Tributaries to the Sepulveda Flood Control Basin, Reaches 8 (Project No. 470 outlet), 9 (Project No. 106) and 10 (Project No. 469); Hydrologic Unit No. 405.21 MUN, GWR, REC-1, REC-2, WARM, WILD, WET
 - Haines Canyon Creek and tributaries to Haines Canyon Creek (Reach

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- 12; Hydrologic Unit No. 405.23) MUN, GWR, REC-1, REC-2, WARM, WILD, RARE
- Tributary to Hansen Lake (Reach 13 (Project No. 5215 Unit1); Hydrologic Unit No. 405.23) MUN, GWR, REC-1, REC-2, WARM, WILD, RARE
 - May Canyon Creek (Reach 14; Hydrologic Unit No. 405.22) MUN, GWR, REC-1, REC-2, WARM, WILD, RARE
 - Pacoima Wash (Reach 15; Hydrologic Unit No. 405.21) MUN, GWR, REC-1, REC-2, WARM, WILD, RARE
 - Verdugo Wash and tributaries to Verdugo Wash (Reaches 16 (Verdugo Wash-Las Barras Cyn (chnl inlet)), 17 (Sheep Corral Channel), 18 (Engleheard Channel) and 19 (Pickens Canyon); Hydrologic Unit No. 405.24; MUN, GWR, REC-1, REC-2, WARM, WILD
 - Halls Canyon Channel and tributaries to Halls Canyon Channel (Reaches 20, 21 and 22; Hydrologic Unit No. 405.24) MUN, IND, PROC, GWR, REC-1, REC-2, WARM, WILD
 - Compton Creek (Reach 24; Hydrologic Unit No. 405.15) MUN, GWR, REC-1, REC-2, WARM, WILD, WET
 - Los Angeles River (Reach 25; Hydrologic Unit No. 405.12) MUN, IND, PROC, GWR, NAV, REC-1, REC-2, COMM, WARM, EST, MAR, WILD, RARE, MIGR, SPWN, SHELL, WET
 - Tributary to Dominguez Channel (Reach 26 (Project No. 74); Hydrologic Unit No. 405.12) MUN, NAV, REC-1, REC-2, COMM, WARM, EST, MAR, WILD, RARE, MIGR, SPWN
 - Tributary to Harbor Lake (Reach 27 (Wilmington Drain); Hydrologic Unit No. 405.12) MUN, REC-1, REC-2, WARM, WILD, RARE, WET
 - Triunfo Creek (Reach 28; Hydrologic Unit No.404.25) MUN, GWR, REC-1, REC-2, WARM, WILD, RARE
 - Las Virgenes Creek and tributaries to Las Virgenes Creek (Reaches 29,

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- 31, and 32; Hydrologic Unit No. 404.22) MUN, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, SPWN, WET
- Medea Creek and tributaries to Medea Creek (Reaches 33, 34, 35, 36 and 37; Hydrologic Unit No. 404.23) MUN, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE, WET
 - Lindero Creek (Reach 38; Hydrologic Unit No. 404.23) MUN, REC-1, REC-2, WARM, WILD
 - San Gabriel River (Reach 39; Hydrologic Unit No. 405.42) MUN, IND, PROC, AGR, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE
 - San Gabriel River (Reaches 40, 43 and 44; Hydrologic Unit No. 405.41) MUN, GWR, REC-1, REC-2, WARM, WILD, RARE
 - San Jose Creek (Reach 42) d/s 1000' from end of Concrete Channel from COE Station 87+25.00 to COE Station 79+25.00 (Hydrologic Unit 405.41), MUN, GWR, REC1, REC2, WILD, WET
 - Walnut Creek Wash (Reach 41; Hydrologic Unit No. 405.41) MUN, GWR, REC-1, REC-2, WARM, WILD, WET
 - Santa Clara River and tributaries to the Santa Clara River (Reaches 45, 46, 47, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 71, 82, , 88, 89, 90, 91, 92, 93 and 94; Hydrologic Unit No. 403.51) MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET
 - Mint Canyon Creek (Reaches 48, 49, 50, 51 and 52; Hydrologic Unit No. 403.51) MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD
 - Bouquet Canyon and tributaries to Bouquet Canyon (Reaches 67, 69, 70, and 103; Hydrologic Unit No. 403.51) MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, SPWN, WET
 - South Fork of the Santa Clara River and tributaries to the South Fork of the Santa Clara River (Reaches 72, 73, 74 75, 76, 77, 78, 79 and 80; Hydrologic Unit No. 403.51) MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD

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- Tributaries to Castaic Creek (Reaches 86, 87 and 97; Hydrologic Unit No. 403.51) MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE
- Project No. 1224 (Reach 95) from Avenue T to Confluence of Little Rock Creek Project No. 1224 H.U 403.55 MUN, AGR, GWR, REC1, REC2, WARM, WILD
- Arroyo Calabasas (Reach 96; Hydrologic Unit No. 405.21) MUN, REC-1, REC-2, WARM, WILD
- Walnut Creek Wash (Reach 98; Hydrologic Unit No. 405.41) MUN, GWR, REC-1, REC-2, WARM, WILD, WET
- Kagel Canyon Creek (Reach 99; Hydrologic Unit No. 405.23) MUN, GWR, REC-1, REC-2, WARM, WILD
- Dry Canyon Creek (Reach 100; Hydrologic Unit No. 405.21) MUN, GWR, REC-1, REC-2, WARM, WILD

11. Impacted Waters of the United States: Non-wetland waters (vegetated streambed): 48.2 temporary acres
12. Dredge Volume: None
13. Related Projects Implemented/to be Implemented by the Applicant: The County has not identified any related projects to be implemented within the next 5 years.
15. Avoidance/Minimization Activities: The County has proposed to implement all Best Management Practices as outlined in the Maintenance Plan, including, but not limited to, the following:

Prior to start of any annual maintenance clearing, qualified biologists shall perform pre-clearing biological resource surveys and photo documentation including sensitive/endangered species focused surveys on specific reaches. No work shall commence without confirmation of findings or no findings of sensitive/endangered species from the biologists. These surveys are also meant to minimize impact on any

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resources that may potentially use or benefit from the channel.

During construction, biologists shall be available for consultation for any issues that may arise.

16. Compensatory Mitigation:

The County has provided mitigation for all areas described in this Certification by creating a 62.7-acre mitigation site known as the Big Tujunga Wash Mitigation Bank Site. This site has been enhanced and shall continue to be maintained through the life of the project. Mitigation work for all the existing reaches was completed on April 1, 2005, in accordance with the 5-year Master Mitigation Plan.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

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ATTACHMENT B

Conditions of Certification File No. 99-011 2009 Renewal

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the County shall comply with the following additional conditions:

1. The County shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. These documents shall be submitted prior to any discharge to waters of the State.
2. The County will comply with the specifications of their Mitigation Monitoring Program, and the Maintenance Plan as revised in August 2005, or any subsequently approved plans that follow.
3. Prior to any maintenance activities within the subject drainages, the County shall develop and publish watershed maps which indicate areas of maintenance and approximate schedules (including surveys, post-surveys and maintenance). This information shall be made publicly available on the County's Department of Public Works internet website and be noticed to watershed councils and other interested parties. The information shall include: (a) the proposed schedule; (b) a description of the drainage's existing condition; (c) the area of proposed impact; and (d) a description of any existing aquatic resources (e.g., wetland/riparian vegetation based on readily available information and pre-clearing

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biological surveys). After submission to the Regional Board, the County will post the Annual Project and Mitigation Monitoring Reports as required by condition 24.

4. As part of the on-going assessment of channel conditions and hydraulic capacity, the County shall perform a study of the hydraulic capacity and existing conditions of any reaches where a potential may exist for vegetation to remain within the soft-bottom portion of the channel (Feasibility Study). In addition, any channels which may potentially provide restoration opportunities for riparian habitat/vegetation growth shall be identified. The County shall implement the Feasibility Study process with a schedule of one watershed per year to be analyzed.

For each watershed, the Feasibility Study will be developed to include (but not limited to) the following:

- a) Workplan;
- b) Technical assessment report; and
- c) Recommendations.

a. Workplans

Within 6 months of Certification issuance, a Workplan for the first watershed shall be submitted to the Regional Board for approval. The plan will include: hydrological analysis of each earthen-bottom segment in relation to the conveyance capacity of the upstream and downstream channels. The hydrological analysis shall include, but not be limited to, the height and density of vegetation in earthen channel bottom and its effect on the conveyance capacity of flood flow in the channel. Several reasonable Manning's n should be used in the hydrological analysis to evaluate the representative height of the channel for flood control and natural habitat purposes and should be in accordance with "Guide for Selecting Manning's Roughness Coefficients for Natural Channels and Flood Plains," United States Geological Survey Water-supply Paper 2339.

The assessment of biological functions and values of these reaches should be made such that comparisons of habitat type, maturity and extent of native or invasive plants can be made between reaches.

b. Technical Report – Hydrologic & Geomorphologic Assessment

Within 6 months of Workplan approval, a Technical Report shall be submitted and will include a reach-by-reach list of all the reaches included in the subject watershed with a hydrologic analysis of each reach. This report will also include an assessment of the biological functions and values for each reach. For each reach, The report shall address capacity requirements for flood control; design criteria and anticipated limitations; and an analysis of potential areas where vegetation may remain.

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c. Recommendations

Within 6 months of Workplan approval, Recommendations shall be submitted to include options for reaches where vegetation may be allowed to remain, and suggested schedules of vegetation removal frequency in order to ensure the maximum habitat, consistent with necessary flood control, is achieved. For recommendations approved by the Executive Officer and CDFG, necessary changes to the Maintenance Plan shall be made and adhered to before the next clearing of the subject reaches.

5. The County shall adhere to the most stringent conditions indicated either with this Certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
6. The Applicant shall develop and implement a Plan for Hazard Analysis and Critical Control Points (HACCP). This plan can be developed with Regional Board assistance in order to implement prevention and control of aquatic nuisance species. The draft plan shall be submitted to the Regional Board within two months after issuance of this Certification. Further information regarding the development of the HACCP can be found at: <http://www.anstaskforce.gov/haccp.php>
7. The County shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.
8. The Avoidance/Minimization activities proposed by the County as described in Attachment A, No. 15, are incorporated as additional conditions herein.
9. The County and all contractors employed by the County shall have copies of this Certification, the approved Maintenance Plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
10. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the County use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
11. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
12. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and

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waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.

13. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact the Land Disposal Unit, at (213) 620-6600 for further information.
14. The County shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the County for any other activity than specifically described in the 404 Permit.
15. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
16. The County shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
17. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
18. The County shall not conduct any maintenance activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion, except for emergency to safeguard for public health and safety. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the County shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.

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19. The County shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 48 hours of request of consultation.
20. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the County shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the County shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
21. All maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
22. Maintenance activities in the Santa Clara River area shall comply with the provisions of the Natural Rivers Management Plan (NRMP). The following provisions apply to soft-bottom channel reaches that are within the jurisdiction of the approved NRMP: a) Periodic clearing of vegetation immediately upstream and downstream of certain existing bridges which were not designed in accordance with the NRMP; b) Periodic removal of woody vegetation from riprap to protect its structural integrity; c) Periodic clearing of storm drain outlets to ensure proper drainage; d) Periodic removal of ponded water that cause odor problems; e) As needed repairs of bridges; f) As-needed repairs of bank protection; and g) As needed clearing of vegetation from water quality filters and treatment basins
23. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the County shall develop and submit a Surface Water Diversion Plan (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates.

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The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids(TSS)
- Downstream TSS shall be maintained at ambient levels
- Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

~~Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.~~

24. The County shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance outside of areas of maintenance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include returning areas to pre-project contours and planting with native vegetation, if feasible. Restored areas shall be monitored and maintained with native species as necessary for five years. The County shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
25. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
26. The County shall submit to this Regional Board an **Annual Project and Mitigation Monitoring Report** (Annual Reports) by **May 1st** of each year for each year the Certification is in effect. The Annual Reports shall describe in detail all of the project/maintenance activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays

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in the mitigation process. At a minimum the Annual Reports shall include the following documentation:

- (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Photo documentation of any vegetation left within maintenance areas (including acreage);
 - (c) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (d) The overall status of project including a detailed schedule of work;
 - (e) Copies of all permits revised as required in Additional Condition 1;
 - (f) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (g) A certified Statement of "no net loss" of wetlands associated with this project;
 - (h) Discussion of any monitoring activities and exotic plant control efforts;
 - (i) Description of all outreach activities in the previous year; and
 - (j) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
27. The Applicant shall submit an Annual Workplan with a schedule of the upcoming reaches proposed for cleanout within 60 days of Certification issuance and annually thereafter. The Annual Workplan shall include information such as: (a) proposed schedule; (b) acreage of areas to be impacted (vegetated and non-vegetated); (c) a description of any existing aquatic resources; and (d) proposed application of pesticides.
28. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.

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(d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

29. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

30. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **99-011 2009 Renewal**. Submittals shall be sent to the attention of the 401 Certification Unit.
31. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
32. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the County notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new party containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
33. The County or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the County becomes aware of the circumstances. A written submission shall also be provided within five days of the time the County becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

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34. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (b) In response to any violation of the conditions of this Certification, the State Water Board or Regional Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

- 35. This Certification shall expire **five (5) years** from date of this Certification. The County shall submit a complete application prior to termination of this Certification if renewal is requested.

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